

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROSETTA CAMPBELLE,

Index No.: 07 CV4442

Plaintiff,

-against-

**PROPOSED REQUEST
TO CHARGE**

THE NEW YORK CITY TRANSIT AUTHORITY,

Defendant.

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Defendant, NEW YORK CITY TRANSIT AUTHORITY, by its attorneys, **ARMIENTI, DeBELLIS, GUGLIELMO & RHODEN, LLP**, hereby request to charge the jury consistent with the following pattern jury instructions stated in the *New York Pattern Jury Instructions - Civil*, 3rd Edition:

- | | | | |
|-----|--------|--------|--|
| 1. | P.J.I. | 1:22 | Falsus in Uno. |
| 2. | P.J.I. | 1:25 | Consider Only Testimony and Exhibits. |
| 3. | P.J.I. | 1:26 | Five-Sixths Verdict. |
| 4. | P.J.I. | 1:27 | Exclude Sympathy. |
| 5. | P.J.I. | 1:36 | Impartiality. |
| 6. | P.J.I. | 1:37 | Jury function. |
| 7. | P.J.I. | 1:38 | Court function. |
| 8. | P.J.I. | 1:39 | No inference from rulings. |
| 9. | P.J.I. | 1:60 | General Instruction - Burden of Proof - When Burden Differs on Different Issues |
| 10. | P.J.I. | 1:66 | General Instruction- Evidence Admitted for Limited Purpose- Credibility of Non – Party Witness |
| 11. | P.J.I. | 1:70 | General Instruction- Circumstantial Evidence |
| 12. | P.J.I. | 1:90.3 | General Instruction- Demonstrative Exhibits |
| 13. | P.J.I. | 1:91 | General Instruction - Interested Witness - Generally |
| 14. | P.J.I. | 1:94 | General Instruction - Use of Pre-Trial Deposition Upon Trial. |
| 15. | P.J.I. | 1:97 | General Instruction- Special Verdicts |

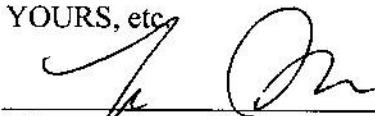
Common Law Standard of Care - Negligence Defined - Generally.

17. P.J.I. 2:12 Common Law Standard of Care - Foreseeability - Generally. See Rivera v. New York City Transit - 77 N.Y.2d 567 N.Y.S.2d 629 (1991)
18. P.J.I. 2:36 Comparative Negligence.
19. P.J.I. 2:70 Proximate Cause - In General.

The defendant, NEW YORK CITY TRANSIT AUTHORITY, object to any request to charge by the plaintiff pursuant to P.J.I. 1:77 (failure to produce documents) as to the defendant on the ground that plaintiff has failed to set forth, before the jury, any documents that have not been produced by defendant.

Dated: New York, New York
June 9, 2008

YOURS, etc.


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The Honorable Leonard B. Sand
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Southern District of New York
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